

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KEVIN G. JACKSON,	:	Case No. C-1-01-0756
INDIVIDUALLY, AND AS	:	
ADMINISTRATOR OF THE	:	Judge Herman J. Weber
ESTATE OF PAULA KAY JACKSON,	:	
DECEASED, et al.	:	
Plaintiffs,	:	MOTION FOR RELIEF FROM
vs.	:	JUDGMENT OF DEFENDANT
SOY SOK, et al.	:	ST. PAUL INSURANCE
Defendants.	:	COMPANY

Comes now the Defendant, St. Paul Insurance Company, by and through counsel, and pursuant to Fed. Civ. R. 60(a) moves the Court for an Order Granting Relief from Judgment in its favor and further request that the Court clarify and/or correct the order granting Plaintiff's Motion to Dismiss as entered June 23, 2004. A Memorandum in Support and proposed Entry Granting Relief from Judgment is attached hereto.

Respectfully submitted,

s/Joseph W. Gelwicks
Joseph W. Gelwicks, Esq. (0027108)
Trial attorney for Defendants The St. Paul
Insurance Company
RENDIGS, FRY, KIELY & DENNIS, L.L.P.
One West Fourth Street, Suite 900
Cincinnati, Ohio 45202
(513) 381-9211

MEMORANDUM

Defendants, St. Paul Insurance Company joins in the Motion with Defendant, West American Insurance Company and in the interest of judicial economy herewith adopts the Memorandum of Defendant, West American previously filed herein.

Based on the foregoing, Defendant, St. Paul Insurance Company urges this Court to clarify and/or correct the Order Granting Plaintiff's Motion to Dismiss filed June 23, 2004, to include language specifying that Plaintiff is required to advance Defendants' attorneys' fees if he elects to refile this case within one year allowed by the Court.

Respectfully submitted,

s/Joseph W. Gelwicks

Joseph W. Gelwicks, Esq. (0027108)
Trial attorney for Defendants The St. Paul
Insurance Company
RENDIGS, FRY, KIELY & DENNIS, L.L.P.
One West Fourth Street, Suite 900
Cincinnati, Ohio 45202
(513) 381-9211

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was mailed, via ordinary, U.S. Mail, postage prepaid, to the following on this 18th day of October 2004

Benjamin M. Maraan II
5465 North Bend Road
Suite 333
Cincinnati, Ohio 45247
Attorney for Plaintiffs

John H. Metz
44th Floor Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-3016
Attorney for Plaintiffs

Thomas B. Bruns, Esq.
Kelly A. Armstrong, Esq.
Freund Freeze & Arnold
Fourth & Walnut Centre
105 East Fourth Street, Suite 1400
Cincinnati, Ohio 45202-4006
Attorney for Defendant, West American
Insurance Co.

s/Joseph W. Gelwicks

Joseph W. Gelwicks